

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

CASE NO.: 23-41636-ELM-13

GILBERT RODARTE

5802 TAUNTON CT
ARLINGTON, TX 76018
SSN/TIN: XXX-XX-4126

DEBTOR

HEARING: MARCH 14, 2024 AT 8:30 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS AND
PLAN MODIFICATION (IF REQUIRED)**

NO HEARING WILL BE CONDUCTED UNLESS A WRITTEN RESPONSE IS FILED WITH THE UNITED STATES BANKRUPTCY CLERK AT ELDON B. MAHON U.S. COURTHOUSE 501 W. 10TH ST., RM. 147 FORT WORTH, TX 76102-3643 BEFORE CLOSE OF BUSINESS 30 DAYS FROM THE DATE OF SERVICE. ANY RESPONSE SHALL BE FILED WITH THE CLERK AND SERVED ON THE TRUSTEE. IF A RESPONSE IS TIMELY FILED, A HEARING MAY BE HELD WITH NOTICE ONLY TO THE RESPONDING PARTY. IF NO RESPONSE IS TIMELY FILED, THE PLEADING SHALL BE DEEMED UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF.

If an opposed response is timely filed and remains unresolved, this matter will be called at the docket call on the date and time above in Room 204 at Eldon B. Mahon U.S. Courthouse 501 W. 10th St., Fort Worth, TX 76102 -3643 with a hearing following docket call.

Attend by WebEx Video:

Link: <https://us-courts.webex.com/meet/morris>

Attend by WebEx Telephone:

Dial In: 1.650.479.3207
Meeting ID: 473 581 124

Respectfully submitted,

By: /s/ Ethan S. Cartwright
Ethan S. Cartwright, Staff Attorney
Bar No. 24068273
PAM BASSEL STANDING CHAPTER 13 TRUSTEE
Bar No. 01344800
860 Airport Freeway, Ste 150
Hurst, TX 76054
(817) 916-4710 Phone

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Notice of Hearing and Trustee's Recommendation Concerning Claims and Plan Modification if Required was served on or before the date of filing. Service was accomplished electronically on Debtor's attorney and all parties entitled to electronic notice and by first class mail on the Debtor and the parties listed below, if any.

By: /s/ Ethan S. Cartwright
Ethan S. Cartwright

DEBTOR: Gilbert Rodarte, 5802 Taunton Ct, Arlington, TX 76018

ATTORNEY: RICHARD M WEAVER and ASSOCIATES, 5601 AIRPORT FRWY, FT WORTH, TX 76117

CREDITORS:

Aldridge Pite LLP, 8880 Rio San Diego Drive Suite 752, San Diego CA 92117, PO Box 17935, San Diego, CA 92177

ALDRIDGE PITE LLP, 8880 RIO SAN DIEGO DR STE 725, SAN DIEGO, CA 92108-0000

Ally, po box 78252, Phoenix, AZ 85062

ATTORNEY GENERAL OF TEXAS, BANKRUPTCY SECTION, 400 S ZANG BLVD STE 500, DALLAS, TX 75208

ATTORNEY GENERAL OF TEXAS, COLLECTIONS DIV/BANKRUPTCY SEC, PO BOX 12548, AUSTIN, TX 78711

CAPITAL ONE AUTO FINANCE, C/O AIS PORTFOLIO, 4515 N SANTA FE AVE DEPT APS, OKLAHOMA CITY, OK 73118-0000

CITIBANK, PO BOX 790040, ST LOUIS, MO 63179-0000

DEPARTMENT OF VETERANS AFFAIRS, ONE VETERANS PLAZA, 701 CLAY AVE, WACO, TX 76799

FIFTH AND GLAM, C/O CREDITORS BANKRUPTCY SERV, PO BOX 800849, DALLAS, TX 75380-0000

FINGERHUT, 6250 RIDGEWOOD RD, ST CLOUD, MN 56303-0000

INTERNAL REVENUE SERVICE, PO BOX 7346, PHILADELPHIA, PA 19101

LINEBARGER GOGGAN BLAIR AND SAMPSON, 2777 N STEMMONS FWY STE 1000, DALLAS, TX 75207-0000

Midnight Velvet, Attn Bankruptcy, 1112 7th Avenue, Monroe, WI 53566

MONTGOMERY WARD, C/O CREDITORS BANKRUPTCY SERVICE, PO BOX 800849, DALLAS, TX 75380-0000

NEW REZ LLC DBA SHELLPOINT MORTGAGE SVC, PO BOX 10826, GREENVILLE, SC 29603-0000

NEWREZ LLC, DBA SHELLPOINT MORTGAGE SERVICING, 55 BEATTIE PL STE 110, GREENVILLE, SC 29601-0000

PADGETT LAW GROUP, 6267 OLD WATER OAK RD STE 203, TALLAHASSEE, FL 32312-0000

PERDUE BRACKETT FLORES UTT & BURNS, JV, C/O PBFC&M, LLP, 500 E BORDER ST STE 640, ARLINGTON, TX 76010-0000

RICHARD M WEAVER and ASSOCIATES, 5601 AIRPORT FRWY, FT WORTH, TX 76117-0000

Sandra Rodarte, 5802 Taunton Court, Arlington, TX 76018

SYNCHRONY BANK, PO BOX 965060, ORLANDO, FL 32896-0000

TARRANT COUNTY TAX COLLECTOR, DELINQUENT TAX DEPARTMENT, 2777 N STEMMONS FREEWAY STE 1000, DALLAS, TX 75207-0000

TEXAS ALCOHOLIC BEVERAGE COMM, LICENSES AND PERMITS DIVISION, PO BOX 13127, AUSTIN, TX 78711

TEXAS COMPTROLLER PUBLIC ACCTS, REVENUE ACCOUNTING DIV/BANKRUP, PO BOX 13528, AUSTIN, TX 78711

TEXAS WORKFORCE COMMISSION, TAX DEPT COLLECTION FKA TEC, 101 E 15TH ST, RM 556-A, AUSTIN, TX 78778-0000

TXU, PO BOX 650764, DALLAS, TX 75265-0000

US Department of Housing and Urban Develop, 307 W 7th St Suite 1000, Fort Worth, TX 76102

US Dept of Hud Title 1, 52 Corporate Circle, Albany, NY 12203

VERIZON BY AMERICAN INFOSOURCE AS AGENT, PO BOX 4457, HOUSTON, TX 77210-0000

Verizon by American InfoSource LP as agent, 4515 N. Santa Fe Ave, Oklahoma City, OK 73118-0000

***Address on record invalid for recipient -- no document mailed to this party.

PAM BASSEL STANDING CHAPTER 13 TRUSTEE
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Phone: (817) 916-4710

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The Trustee files the following Recommendation Concerning Claims and Plan Modification (If Required) and would show the Court the following:

I. TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS NOT FILED

The following creditors were scheduled by the Debtor. No Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. **Therefore, these creditors will not receive disbursements from the Trustee :**

<u>T'EE #</u>	<u>CREDITOR'S NAME</u>	<u>SCHED CLASS</u>	<u>SCHED AMOUNT</u>
4	ALLY	VEHICLE	\$8,000.00
5	CITIBANK	UNSECURED	\$165.00
6	FINGERHUT	UNSECURED	\$0.00
7	MIDNIGHT VELVET	UNSECURED	\$0.00
8	SYNCHRONY BANK	UNSECURED	\$0.00
9	TXU	UNSECURED	\$421.00
10	TXU	UNSECURED	\$71.00

II. TRUSTEE'S RECOMMENDATIONS CONCERNING FILED CLAIMS

UNLESS AN OBJECTION IS TIMELY FILED AS TO THE AMOUNT OR CLASSIFICATION OF ANY CLAIM LISTED BELOW, THAT CLAIM WILL BE PAID AS DESCRIBED HEREIN AND SUCH AMOUNT AND CLASSIFICATION WILL BE FINAL AND BINDING ON ALL PARTIES WITHOUT FURTHER ORDER OF THE COURT. ALL ALLOWED SECURED CLAIMS WHICH WERE UNTIMELY FILED WILL BE PAID AS IF TIMELY FILED, PURSUANT TO THE ORDER OF PAYMENT STATED IN THE CHAPTER 13 PLAN, UNLESS THE COURT ORDERS OTHERWISE FOLLOWING A TIMELY OBJECTION TO THIS TRCC. (NOTE: Value of collateral, treatment under the Plan and interest rate were determined at Confirmation. "Interest Rate" and "Treatment" are shown

<u>CLAIM#</u>	<u>CURRENT MORTGAGE PAYMENTS</u>	<u>COLLATERAL</u>	<u>CLAIM</u>	<u>INTEREST RATE</u>	<u>TREATMENT</u>
6	NEW REZ LLC DBA SHELLPOINT MORTG	HOMESTEAD ONGOING			09/01/23 - \$2,100.00 02/01/24 - \$2,392.93

<u>CLAIM#</u>	<u>SECURED CREDITORS</u>	<u>COLLATERAL</u>	<u>CLAIM</u>	<u>INTEREST RATE</u>	<u>TREATMENT</u>
6	NEW REZ LLC DBA SHELLPOINT MORTG	HOMESTEAD ARREARS	\$90,382.71	0.00%	PRO RATA-TR
6	NEW REZ LLC DBA SHELLPOINT MORTG	HOMESTEAD GAP/7/23-8/23	\$4,785.86	0.00%	PRO RATA-TR
3	TARRANT COUNTY TAX COLLECTOR	HOMESTEAD/23	\$8,797.81		DIRECT-DR
3	TARRANT COUNTY TAX COLLECTOR	MINERAL INTEREST/14-15/22-23	\$175.66	12.00%	PRO RATA-TR
6	NEW REZ LLC DBA SHELLPOINT MORTG	SUPPLEMENTAL/PLAN RVW/OBJ TC CONF/POC/MAILING	\$1,678.75	0.00%	PRO RATA-TR
6	NEW REZ LLC DBA SHELLPOINT MORTG	HOMESTEAD/POST ARRS DIFFERENCE/9/23-1/24	\$1,464.65	0.00%	PRO RATA-TR

<u>CLAIM#</u>	<u>ADDITIONAL ATTORNEY FEES</u>	<u>CLAIM</u>	<u>TREATMENT</u>
	RICHARD M WEAVER AND ASSOCIATES	\$650.00	PRO RATA-TR

<u>CLAIM#</u>	<u>UNSECURED</u>	<u>CLAIM</u>	<u>COMMENT</u>
1	FIFTH AND GLAM	\$273.41	CREDIT CARD
2	MONTGOMERY WARD	\$297.09	GOODS SOLD
4	TEXAS WORKFORCE COMMISSION	\$36,872.76	STATE UNEMPLOYMENT TAX/2011-2014 SERVICES
5	VERIZON BY AMERICAN INFOSOURCE A	\$1,840.89	

III. PLAN MODIFICATION

Modification Details

The following changes will be made to Debtor Payments, Plan Base and/or Plan Term for the reason(s) specified below:

Payments \$3,850 x 9 then increase beginning 4/5/24 at \$5,201 x 51 for plan base of \$299,901 in 60 months

Reason(s) for Modification:

To make the plan sufficient.

Provide for full ongoing payment of \$2392.93 to begin February '24. Provide for post-petition arrears for September '23-January '24 & 9/12/23 Notice of Postpetition Mortgage Fees, Expenses, & Charges by New Rez/Shellpoint.

Respectfully submitted,

By: /s/ Ethan S. Cartwright
Ethan S. Cartwright, Staff Attorney
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